

In the High Court of Punjab & Haryana at Chandigarh.

Civil Revision No.3822 of 2007.

Date of decision : 3.8.2007.

Prem Lata and others

.... Petitioners.

vs

Rajinder Singh and others

.... Respondents.

Before : Hon'ble Mr. Justice R.S.Madan.

Order.

Present: Mr. J.P.Dhull, Advocate, for the petitioners.

R.S.Madan, J.(oral)

This civil revision is directed against the order dated 12.6.2007 rendered by the Motor Accident Claims Tribunal, Jind, vide which the application of the petitioners- claimants for production of an eye-witness in rebuttal evidence was dismissed.

The petitioners have prayed for examining an alleged eye-witness, namely Nasid Singh son of Bhim Singh, resident of Village Bhana, District Kaithal, in rebuttal evidence. He is to prove negligence of the driver as alleged in the application. The name of this witness was neither found mention in the FIR nor in the report under Section 173 Cr.P.C. In the claim petition also, the name of this alleged eye witness is not mentioned. The petitioners have concluded their evidence voluntarily. The role of this witness, as rightly held by the Tribunal, is that of affirmative nature and he is not a witness of rebuttal evidence. In rebuttal evidence only such evidence can be led by the petitioners- claimants for the issues, onus of proving of which was on the respondents. Moreover, the alleged eye-witness was not named in the FIR or in the claim petition.

Learned counsel remains unable to convince this court how an eye-witness could be allowed to be examined as witness in rebuttal when the evidence of the petitioners was already closed. By filing the application for production of alleged eye-witness in rebuttal evidence, the petitioners have only tried to import a witness whose credentials as an eye-witness have not been established on the record.

This revision petition lacks merit and the same is dismissed in limine.

3.8.2007.
vs.

(R.S.Madan)
Judge.